

ASSEMBLY BILL

No. 3033

**Introduced by Assembly Member Nunez
(Principal coauthor: Assembly Member Laird)**

February 22, 2008

An act to add Article 6 (commencing with Section 92060) to Chapter 1 of Part 57 of Division 9 of Title 3 of the Education Code, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

AB 3033, as introduced, Nunez. University of California: research contracts.

Existing law establishes the University of California as a public trust administered by the Regents of the University of California. Employees of the university provide instruction to students and conduct research at each of the 10 campuses of the university, which are located in Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara, and Santa Cruz.

This bill would urge the regents, and require the Department of General Services, to establish standard contract provisions governing the conduct of research undertaken by the university for the state. The bill would require that, to the extent feasible, these standard contract provisions would include, but not necessarily be limited to, provisions relating to specified legal issues. The bill would require that any and all standard provisions agreed upon under the bill be used in research contracts entered into between the university and the state, unless either the regents or the Department of General Services determine, on a case-by-case basis, that the standard provisions are inappropriate for a specific contract. The bill would authorize the Department of General

Services to use the services of any state agency, as defined, to include every state office, officer, department, division, bureau, board, and commission, including the California State University, in implementing the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 92060) is added to Chapter 1 of Part 57 of Division 9 of Title 3 of the Education Code, to read:

Article 6. Research Contracts

92060. The Legislature finds and declares all of the following:

(a) The University of California is the state's premier public university.

(b) The university receives about \$3 billion from the state General Fund each year.

(c) In the 2004–05 fiscal year, 72 state agencies and departments entered into a total of 1,100 research contracts or contract amendments with the university.

(d) Many of these contracts contain similar provisions, such as provisions dealing with issues relating to liability, intellectual property, the right to undertake additional research, the right to publish, hiring, personnel, invoicing, and payments.

(e) The provisions of each contract or contract amendment are typically negotiated between attorneys representing the state agencies and departments and attorneys representing the university.

(f) The drafting of many of these contracts takes six months to a year, and, in many cases, the state is paying for both sides of the contract negotiations.

(g) It would be more cost effective and efficient if the state and the university would establish standardized "boilerplate" provisions that would apply to all research contracts between the state and the university, allowing for variations only in unusual situations.

92061. (a) The regents are urged to, and the Department of General Services, acting for the state, shall, establish standard contract provisions governing the conduct of research undertaken

1 by the university for the state. To the extent feasible, these standard
2 contract provisions shall include, but not necessarily be limited
3 to, provisions relating to all of the following:

- 4 (1) Liability.
- 5 (2) Intellectual property.
- 6 (3) The right to undertake additional research.
- 7 (4) The right to publish.
- 8 (5) Hiring and other personnel-related matters.
- 9 (6) Invoicing.
- 10 (7) Payments.

11 (b) Any and all standard provisions agreed upon pursuant to
12 subdivision (a) shall be used in research contracts entered into
13 between the university and the state, unless either the regents or
14 the Department of General Services determines, on a case-by-case
15 basis, that the standard provisions are inappropriate for a specific
16 contract.

17 (c) In implementing this section, the Department of General
18 Services may use the services of any state agency, as that term is
19 defined in Section 11000 of the Government Code, and the
20 California State University.